

1 CHRISTOPHER R. ORAM, ESQ.  
Nevada State Bar #004349  
2 520 S. Fourth Street, 2nd Floor  
Las Vegas, Nevada 89101  
3 (702) 384-5563

4 Attorney for Defendant  
MARGARET RUDIN  
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6  
7 IN THE UNITED STATES DISTRICT COURT  
8 FOR THE DISTRICT OF NEVADA

9 \* \* \* \* \*

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11 MARGARET RUDIN,  
12 Petitioner,

CASE NO. 2:11-cv-00643-RLH-GWF

13 vs.

14 CAROLYN MYLES, WARDEN OF  
FLORENCE MCCLURE'S WOMEN'S  
15 CORRECTIONAL CENTER, AND  
CATHERINE CORTEZ-MASTO,  
16 ATTORNEY GENERAL OF THE STATE  
OF NEVADA,

17 Respondent.

18 **NOTICE OF MOTION AND MOTION TO WITHDRAW AS COUNSEL FOR**  
19 **PETITIONER MARGARET RUDIN.**

20 TO: JEFFERY CONNOR ON BEHALF OF THE ATTORNEY GENERAL FO THE STATE  
OF NEVADA AND TO DEFENDANT MARGARET RUDIN

21 PLEASE TAKE NOTICE that Christopher R. Oram, Esq., moves this Court for an Order  
22 allowing him to withdraw as counsel for Petitioner MARGARET RUDIN.

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1 This motion is based upon the attached Memorandum of Points and Authorities, the  
2 attacked Declaration of Christopher R. Oram, Esq., the papers, pleadings, and records on file in  
3 this matter, and on any evidence that may be adduced at a hearing on this matter.

4 DATED this 2<sup>nd</sup> day of February, 2016.

5 Respectfully submitted,

6 /s/ Christopher R. Oram, Esq.  
7 CHRISTOPHER R. ORAM, ESQ.  
8 Nevada Bar No. 004349  
9 520 S. Fourth Street, 2nd Floor  
Las Vegas, Nevada 89101  
(702) 384-5563

10 Attorney for Petitioner  
11 MARGARET RUDIN  
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**MEMORANDUM OF POINTS AND AUTHORITIES**

Christopher R. Oram, Esq., seeks leave of Court to withdraw as counsel of record for Margaret Rudin. This case is currently pending before the United States Supreme Court. At the request of Ms. Rudin, the undersigned has withdrawn from that representation and her new counsel, Mr. Greg Mullanax has substituted in as counsel. Mr. Mullanax has also obtained the entire original file from the undersigned in preparation for his representation of Ms. Rudin. Thus, counsel respectfully requests he be allowed to withdraw as counsel of record.

Federal Local Rule IA 10-6 states, in pertinent part, as follows:

(b) No attorney may withdraw after appearing in a case except by leave of court after notice served on the affected client and opposing counsel.<sup>1</sup>

“An attorney may not, in the absence of the client's consent, withdraw from a case without justifiable cause.” Lovvorn v. Johnston, 118 F.2d 704, 706 (9th Cir. 1941). Where a court compels one charged with a serious crime to undergo a trial “with the assistance of an attorney with whom he has become embroiled in [an] irreconcilable conflict,” he is deprived of “effective assistance of any counsel whatsoever.” Daniels v. Woodford, 428 F.3d 1181, 1197 (9th Cir. 2005) (citing Brown v. Craven, 424 F.2d 1166, 1170 (9th Cir.1970)). A trial court's decision to release counsel is an exercise of its discretion. United States v. Williams, 717 F.2d 473 (9th Cir.1983) (citing Glavin v. United States, 396 F.2d 725, 726 (9th Cir.1968)). United States v. Driggers, CR06 173 N EJL, 2007 WL 1381800 (D. Idaho Jan. 29, 2007) aff'd, 319 F. App'x 665 (9th Cir. 2009).

In determining whether new counsel is warranted, this Court should consider both the timeliness of the motion to dismiss counsel and whether the conflict between the Defendant and his counsel was so great that it resulted in a total lack of communication preventing an adequate

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<sup>1</sup> See also United States v. Curry, 6 How. 106, 47 U.S. 106, 111, 12 L.Ed. 363; Tripp v. Santa Rosa St. R.R., 144 U.S. 126, 12 S.Ct. 655, 36 L.Ed. 371; Davis v. Wakelee, 156 U.S. 680, 15 S.Ct. 555, 39 L.Ed. 578. (holding that an attorney for the defendant cannot withdraw from the case without the consent of the court.)

1 defense. See United States v. Smith, 282 F.3d 758, 764 (9th Cir. 2002); United States v.  
2 Corona-Garcia, 210 F.3d 973, 976 (9th Cir.2000); United States v. Mills, 597 F.2d 693, 700 (9th  
3 Cir.1979). United States v. Driggers, CR06 173 N EJL, 2007 WL 1381800 (D. Idaho Jan. 29,  
4 2007) aff'd, 319 F. App'x 665 (9th Cir. 2009).

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6 Therefore, counsel moves to withdraw from the instant case. Pursuant to IA 10-6, notice of  
7 the instant Motion has been served on opposing counsel and upon Ms. Rudin. There is justifiable  
8 cause for Counsel to withdraw as Ms. Rudin has new counsel and the undersigned has turned over  
9 the entire original file to Ms. Rudin's new counsel.

10 **CONCLUSION**

11 Based upon the foregoing and the affidavit of Christopher R. Oram, Esq., filed herewith, I  
12 respectfully request the Court allow me to withdraw as counsel for Petitioner Margaret Rudin.

13 DATED this 2<sup>nd</sup> day of February, 2016.

14 Respectfully submitted

15  
16 /s/ Christopher R. Oram, Esq.  
17 CHRISTOPHER R. ORAM, ESQ.  
18 Nevada Bar No. 004349  
19 520 S. Fourth Street, 2nd Floor  
20 Las Vegas, Nevada 89101  
21 (702) 384-5563

22 Attorney for Petitioner  
23 MARGARET RUDIN  
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**AFFIDAVIT OF CHRISTOPHER R. ORAM, ESQ.**

STATE OF NEVADA     )  
                                      ) ss.  
COUNTY OF CLARK    )

CHRISTOPHER R. ORAM, ESQ., having been duly sworn, deposes and says:

1. That I am an attorney duly licensed to practice law in the State of Nevada. That I have personal knowledge of the matters contained herein, and am competent to testify thereto.

2. At the request of Ms. Rudin, the undersigned has withdrawn from that representation and her new counsel, Mr. Greg Mullanax has substituted in as counsel. Mr. Mullanax has also obtained the entire original file from the undersigned in preparation for his representation of Ms. Rudin. Thus, counsel respectfully requests he be allowed to withdraw as counsel of record.

3. Pursuant to IA 10-6, notice of the instant Motion has been served on opposing counsel and upon Ms. Rudin. There is justifiable cause for Counsel to withdraw as Ms. Rudin has new counsel and the undersigned has turned over the entire original file to Ms. Rudin's new counsel.

4. FURTHER your Affiant sayeth naught.

DATED this 2<sup>nd</sup> day of February, 2016.

By: /s/ Christopher R. Oram, Esq.

SUBSCRIBED and SWORN to before me  
this 2<sup>nd</sup> day of February, 2016.

/s/ Jessie Folkestad  
In and for Said County and State

**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of CHRISTOPHER R. ORAM, ESQ., and that on the 2<sup>nd</sup> day of February, 2016, I served a copy of the foregoing MOTION TO WITHDRAW AS COUNSEL by U.S. District Court CM/ECF Electronic Filing, to:

Clerk of the United States District Court  
District of Nevada  
333 Las Vegas Boulevard South  
Las Vegas, Nevada 89101

Office of the Attorney General  
Jeffery Conner  
jconner@ag.nv.gov

Margaret Rudin #70503  
Florence McClure Women's Correctional Center  
4370 Smiley Road  
North Las Vegas, Nevada 89115

/s/ Jessie Folkestad  
An employee of Christopher R. Oram, Esq.